

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2008 Legislative Session**

Legislative Day # 8

**BILL NO. 2008-07**

**Introduced by: Charles County Planning Commission**

**Date introduced: 05/21/2008**

**Public Hearing: 07/09/2008**

**Commissioners Action:    /   /2008** \_\_\_\_\_

**Commissioner Votes:** WC:    , EP:    , RC:    , SG:    , GH:    

**Pass/Fail:**

**Effective Date:    /   /2008 12:01 a.m.**

**Remarks: \_\_\_\_\_**

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2008 Legislative Session**

Bill No. \_\_\_\_\_

Chapter. No. 298

Introduced by Charles County Planning Commission

Date of Introduction May 21, 2008

**BILL**

1 AN ACT concerning:

2 **Forest Conservation Ordinance**

3 **Addition of Language to provide usable yard area for homeowners.**

4

5 FOR the purpose of:

6

7 Adding language to the Forest Conservation Ordinance to require areas of the  
8 Resource Protection Overlay Zone located on individual building lots to be  
9 located in Forest Conservation Easements.

10

11 BY amending:

12 Chapter 298- Forest Conservation Regulations

13 ARTICLE VII, §13, Retention

14 *Code of Charles County, Maryland*

15 *(MAY 5, 1997)*

16

17 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF  
18 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland  
19 read as follows:

1       § 298-13. Retention.

2  
3       The following trees, shrubs, plants and specific areas shall be considered priority  
4       for retention and protection and shall be left in an undisturbed condition unless  
5       the applicant has demonstrated, to the satisfaction of the Department, that all  
6       reasonable efforts have been made to protect them and the plan cannot be  
7       reasonably altered:

8  
9       A       Trees, shrubs, and plants located in sensitive areas, including the Resource  
10       Protection Zone, one-hundred-year floodplains, intermittent and perennial streams  
11       and their forest management buffers, steep slopes exceeding 25% and steep slopes  
12       exceeding 15% with soils having a "K" value greater than thirty-five-hundredths  
13       (0.35), nontidal wetlands and critical habitat areas;

14  
15       **B.       ALL PORTIONS OF THE RESOURCE PROTECTION ZONE**  
16       **LOCATED ON INDIVIDUAL BUILDING LOTS SHALL BE RETAINED**  
17       **AND PROTECTED;**

18  
19       [B.] C. Contiguous forest that connects the largest undeveloped or most vegetated  
20       tracts of land within and adjacent to the site;

21  
22       [C.] D. Trees, shrubs or plants determined to be rare, threatened or endangered  
23       under the Federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 through  
24       1543, published in 50 CFR 17.11 and 17.12, and the Maryland list of threatened  
25       and endangered species published under the Natural Resources Article, §§  
26       4-2A-01 through 4-2A-09 and 10-2A-01 through 10-2A-09, of the Annotated  
27       Code of Maryland, published in COMAR 08.03.08 and 08.02.12;

28  
29       [D.] E. Trees that:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

(1)Are part of an historic site;

(2)Are associated with an historic structure; or

(3)Have been designated by the state or the Department as a  
national, state or county champion tree;

[E.] F. Any tree having a diameter measured at 4.5 feet above the ground of:

(1)Thirty inches or more; or

(2)Seventy-five percent or more of the diameter, measured at 4.5  
feet above the ground, of the current state champion tree of that species as  
designated by the Maryland Department of Natural Resources.

1       **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect TEN  
2       (10) calendar days after it becomes law.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

\_\_\_\_\_  
Wayne Cooper, President

\_\_\_\_\_  
Edith J. Patterson, Vice President

\_\_\_\_\_  
Reuben B. Collins, II

\_\_\_\_\_  
Samuel N. Graves, Jr.

\_\_\_\_\_  
Gary V. Hodge

ATTEST:  
  
\_\_\_\_\_  
Denise Ferguson, Clerk